

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
SEPTEMBER 16, 2020**

ACTION MINUTES – *These minutes are prepared to depict action taken for agenda items presented to the City Council. For detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.*

SPECIAL NOTE: *This meeting was held by teleconference due to the COVID-19 Pandemic.*

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 4:00 p.m.

PLEDGE OF ALLEGIANCE: Police Chief Brizzee led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Tom Faria, Brett Jones, Deborah Lewis, Mayor Michael Villalta; **ABSENT:** Council Member Daronica Johnson-Santos.

STAFF MEMBERS PRESENT: City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Finance Director Williams, Community & Economic Development Director Elms, Public Works Director/City Engineer Fachin, Police Chief Brizzee, Fire Chief Hurley.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Faria, seconded by Lewis to approve the City Council Meeting agenda as submitted. The motion carried by the following roll call vote: **AYES:** Faria, Jones, Lewis, Mayor Villalta; **NOES:** None; **ABSENT:** Johnson-Santos.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. Mayor Villalta asked the City Clerk if she had received any comments by email, for which City Clerk Mallonee stated that she received NO comments and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Lewis requested that item 6D – Approval of Response Letters from the Los Banos City Manager and the Los Banos Public Works Director/City Engineer Regarding Merced County Civil Grand Jury Final Report 2019-2020 Relating to the City of Los Banos Roads Maintenance be removed from the Consent Agenda for separate presentation and approval.

Motion by Lewis, seconded by Jones to approve the consent agenda as follows: Check Register for #223418 – #223800 in the Amount of \$1,707,361.65; Minutes for the August 19, 2020 City Council Meeting; Minutes for the September 1, 2020 Special City Council Meeting; ~~Approval of Response Letters from the Los Banos City Manager and the Los Banos Public Works Director/City Engineer Regarding Merced County Civil Grand Jury Final Report 2019-2020 Relating to the City of Los Banos Roads Maintenance~~; City Council Resolution No. 6262 – Authorizing that the City Manager Execute the Congestion Mitigation Air Quality (CMAQ) Assurance of Timely Project Delivery Form for the City of Los Banos State Route 152 Signal Synchronization Project and Adopt a Revised Budget for the Fiscal Year 2020-2021 as it Pertains to the CMAQ Fund Account. The motion carried by the following roll call vote: AYES: Faria, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: Johnson-Santos.

APPROVAL OF RESPONSE LETTERS FROM THE LOS BANOS CITY MANAGER AND THE LOS BANOS PUBLIC WORKS DIRECTOR/CITY ENGINEER REGARDING MERCED COUNTY CIVIL GRAND JURY FINAL REPORT 2019-2020 RELATING TO THE CITY OF LOS BANOS ROADS MAINTENANCE. Public Works Director/City Engineer Fachin spoke regarding the issues being looked into regarding the roads maintenance in the City of Los Banos as it pertains to fog seal and overlays and ways to file complaints and the best way to contact staff regarding streets and sidewalks concerns or issues. Motion by Lewis, seconded by Jones to approve the Response Letters from the Los Banos City Manager and the Los Banos Public Works Director/City Engineer Regarding Merced County Civil Grand Jury Final Report 2019-2020 Relating to the City of Los Banos Roads Maintenance. The motion carried by the following roll call vote: AYES: Faria, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: Johnson-Santos.

PUBLIC HEARING – PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A FINAL DEVELOPMENT PLAN #2020-01 FOR MISSION VILLAGE SOUTH PHASES 5A AND 5B FOR THE PROJECT SITE LOCATED EAST OF MERCY SPRINGS ROAD, SOUTH OF MISSION DRIVE AND NORTH OF WILLMOTT AVENUE, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 428-280-012; CITY COUNCIL RESOLUTION NO. 6251 – APPROVING FINAL DEVELOPMENT PLAN #2020-01 FOR MISSION VILLAGE SOUTH PHASE 5. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

Tiffanie Marshall with Stonefield Homes stated that they have worked with City staff to come to a really amicably compromise to add in all the items requested by the City Council at the last meeting. Rick Mummert, President of Benchmark Engineering and representing Stonefield Homes, stated that he is in support of all that has been said.

Mayor Villalta opened the public hearing. City Clerk Mallonee stated she received no public comments by email and the public hearing was closed.

There was Council Member and staff discussion the major changes that have been made since the project was last before them, building permit issuance, multi-family unit, public

park, timing of when the apartments are built, when the developer can turn a profit it will depend on the market, the fences surrounding the apartment and if it will be a block wall, removing the pocket park and absorbing that into the apartment footprint, the HOA being the governing body for the housing community that it covers and displeased that it will be going away, wanting a specific completion date when the apartments will be finished, not liking surprises,

Rick Mummert stated that they could commit to commencing the apartment building after the 21st permit and finish it within 12 months; we will go into the second building when the second building is complete and after occupancy of the first building. He added that we didn't try to pull anything over anyone's eyes, we worked with staff to work on the four (4) main items that the Council wanted, the lender was having concerns about the HOA and that is why they went away from the gated community, they are now providing the sidewalks, how our clients intent was different when we first presented it and he now wants to build the apartments.

Tiffanie Marshall stated that no one is trying to pull one over, lenders are not giving you money if you do not have an approved project, lenders are advising us that gated communities are not viable and a gated community is not a requirement of this project.

There was additional Council Member and staff discussion regarding that the applicant has met some of the requests we made, but now some things are being eliminated, gates removed, HOA removed and the park is still in there, wanting to stop negotiating our rights as a City, how City standards have to be raised, how this is now being considered a mixed community.

City Manager Terrazas suggested that the City might offer a good compromise to allow Phase 5A to move forward while we work on Phase 5B, noting that Phase 5A is a totally separate recorded map of ten (10) homes.

Motion by Faria, seconded by Lewis to bring back this item no later than the December 2, 2020 Council Meeting, re-advertise the public hearing and direct staff to work with the applicant. The motion carried by the following roll call vote: AYES: Faria, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: Johnson-Santos.

Motion by Jones, seconded by Lewis to adopt City Council Resolution No. 6251 – Approving Final Development Plan #2020-01 for only Mission Village South Phase 5A. The motion carried by the following roll call vote: AYES: Faria, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: Johnson-Santos.

SHOPPING CART ORDINANCE UPDATE. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation presented the staff.

There was Council Member and staff discussion regarding wanting to confirm that businesses are regularly cleaning and sanitizing their shopping carts and how is it being

confirmed, asking the businesses to provide a schedule of when they plan do the shopping cart cleanings and making that change to the form.

Informational item only, no action taken.

DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR THE 2020 LEAGUE OF CALIFORNIA CITIES (LCC) ANNUAL CONFERENCE BEING HELD 'VIRTUALLY' OCTOBER 7-9, 2020. Motion by Villalta, seconded by Faria to designate Council Member Johnson-Santos as the voting delegate and City Manager Terrazas as the alternate voting delegate. The motion carried by the following roll call vote: AYES: Faria, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: Johnson-Santos.

COMMUNITY CHOICE AGGREGATION TECHNICAL STUDY BRIEFING AND POTENTIAL NEXT STEPS FOR CITY OF LOS BANOS. Community & Economic Development Director Elms presented the staff report.

Shawn Marshall and Jan Pepper with Peninsula Clean Energy (PCE), spoke regarding what joining PCE was all about, which included a PowerPoint presentation. Mark Fulmer, with MRW & Associates spoke regarding the CCA Technical Feasibility Study, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding if staff is clear on what's being proposed, how staff is still working on the JPA option, depending on how the process goes staff is looking for direction on how to proceed but not a vote to join, staff will continue on in reviewing the proposal, parameters for opting in and opting out when a City joins, where are most of the customers located, how things are different here in the valley than in the east bay area, now no one else in Merced County is interested in joining this JPA, PCE's credit rating, power generation and number of customer accounts, overall goal is to keep the rates low, with the next step to bring this item back for approval at the October 7, 2020 City Council Meeting.

It was the consensus of the City Council to proceed with the analyzation by the City Attorney and City Staff and bring back to City Council once that has been completed for consideration and approval.

COVID-19 STATUS UPDATE. City Manager Terrazas spoke regarding the Mask Up Merced County campaign and the events going on in the City to promote the importance of wearing masks, reminded all about the available COVID-19 testing and encourage people to get tested, if people do not take advantage of these testing sites the sites will go away, there will a mobile testing site on September 18, 2020 at the Migrant Center, he read the COVID-19 numbers from Merced County's COVID-19 website which shows a spike from the Labor Day holiday that we hope trends down, and how they are looking for the breakdown of deaths by City and will share when they have the info.

Mayor Villalta stated that the Merced County Mayors meet every Friday with the City Managers to talk about COVID-19 and how it has been requested recently that the

COVID-19 numbers be reported by City limits as they are currently being reported by zip code, noting that nine (9) people perished in 93635 because of COVID-19.

ADVISEMENT OF PUBLIC NOTICES (Two Reports). Community & Economic Development Director Elms stated that there are two items to be considered at the next Planning Commission meeting on Wednesday, September 23, 2020: Site Plan Review #2020-01 for the Development of a 2,550 square foot commercial structure with site improvements located at 1202 G Street, APN 025-153-009 and a Site Plan Review #2020-05 for the demolishing and rebuilding of 3,010 square foot commercial structure, fuel canopy with six (6) multi-pump dispensing stations and two (2) underground fuel storage tanks located at 611 Pacheco Boulevard, APN 026-081-027.

CITY MANAGER REPORT. City Manager Terrazas reported that the 7-11 project is the direct results of the recruitment efforts coordinated with the Community & Economic Development Department with Buxton, noting that unfortunately we are seeing an increase of crimes of violence in town compared to past years, the Los Banos Police Department is continuing to increase their efforts to address the increase in crime, we are working with our outside allied agencies in enforcement efforts, encouraged all to report crime when you see it in the community and will be bringing a more detailed update at a Council Meeting in October.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE. Mayor Villalta stated that MCAG is voting on the tipping fee and a while back we discovered that Merced and Los Banos are paying higher amounts than other cities, it is being consider to hire a consultant to review the tipping fees, adding that the recyclable contract passed last week and we should only be paying our fair share.

BRETT JONES: Council Member Jones requested to have the City's design standards updated.

DEBORAH LEWIS: Council Member Lewis stated that she supports the request of updating the City's Design Standards, landscaping and public right of ways, some curb space in her area is not being maintained by residents, as well as landscape for businesses in town, making sure that the landscaping is lush enough and desirable for our community, gave her condolences to the Goodger Family on Larry's passing and how she first met him when she served on the Planning Commission, adding that her heart goes out to his wife Dorilee.

TOM FARIA: Council Member Faria echoed the condolences to the Goodger Family, he was an upstanding citizen for Los Banos, he volunteered a lot and he will be missed.

DARONICA JOHNSON-SANTOS: Absent

MAYOR MICHAEL VILLALTA: Mayor Villalta sent his condolences to the Bondi Family on the passing of Joe, he was the nicest man you could possibly want to know, such great

memories of him as the Los Banos High School football coach, condolences to the Goodger Family on Larry's passing.

Mayor Villalta also made a Council Member request to place the Graffiti ordinance on the agenda for review and updating and maybe do something like we do with the abatement of vacant lots.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS FIRE FIGHTERS ASSOCIATION (LBFFA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA), LOS BANOS PUBLIC EMPLOYEES UNION (PUBLIC WORKS) LOCAL 1/AFSCME AND UNREPRESENTED MISCELLANEOUS EMPLOYEES. City Clerk Mallonee stated she received no public comments by email regarding this closed session item.

No reportable action.

ADJOURNMENT. The meeting was adjourned at 7:41 PM.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

/s/ Lucille L. Mallonee
Lucille L. Mallonee, City Clerk